

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

WP(C).No. 2262 of 2007(T)

PETITIONERS:

- 1. REJI JOSEPH, S/O.K.O.JOSEPH,
AGED 40 YEARS, PROPRIETOR, M/S.R.G. TRADERS,
PARANANI ARCADE, ERATTUPETA.**
- 2. THRESSIAMMA JOSEPH, W/O.K.O.JOSEPH,
AGED 60 YEARS, KUNNEL HOUSE,
VELAKUMADAM, POOVARANNI P.O.,
PAIKA, KOTTAYAM.**

BY ADV. SRI.K.C.ELDHO

RESPONDENTS:

- 1. THE DHANALAKSHMI BANK LIMITED,
PALA BRANCH, REPRESENTED BY ITS MANAGER.**
- 2. THE RECOVERY OFFICER,
OFFICE OF THE RECOVERY OFFICER, DRT,
PANAMPALLY NAGAR, KOCHI-36.**

BY ADV. SRI.NAGARAJ NARAYANAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C) NO: 2262/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE EXPARTE ORDER OF THE TRIBUNAL DT. 22/6/2006.

EXT.P2. COPY OF THE IA NO. 1352/2006 IS PRODUCED IN OA NO. 269/2005.

EXT.P3. COPY OF THE IA NO. 1503/2006 IN OA NO. 269/2005.

EXT.P4. COPY OF THE NOTICE OF DEMAND ISSUED BY R2 TO THE PETITIONERS.

EXT.P5. COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE THE R2 AGAINST EXT.P4.

EXT.P6. COPY OF THE RESTORATION PETITION FILED BY THE R1.

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C).No.2262 of 2007-T

Dated this the 6th day of March, 2007

JUDGMENT

The petitioners challenge Ext.P4, which is a notice issued by the Recovery Officer calling upon them to pay the amount due under the recovery certificate issued by the Debts Recovery Tribunal. The petitioners submit, the recovery certificate was issued based on an exparte order of the D.R.T and that an application for setting aside the exparte order was pending before the Tribunal. I think the pendency of the said application is not a ground to quash Ext.P4 notice. The petitioners may work out their remedies before the D.R.T itself. Subject to that right without prejudice to the contentions of both sides, this writ petition is closed. Needless to say, if Ext.P5 is received and pending, the Recovery Officer will consider and pass orders on it, in accordance with law, before taking next step of issuing draft proclamation.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

MS